



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,919	02/21/2006	Zaoling Shao	CN 020016	6591
24737 7590 04/29/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
LAI, MICHAEL C				
ART UNIT		PAPER NUMBER		
2157				
MAIL DATE		DELIVERY MODE		
04/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,919

Applicant(s)

SHAO ET AL.

Examiner

MICHAEL C. LAI

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to amendment filed on 1/17/2008.

Response to Arguments

Applicant's arguments filed 1/17/2008 have been fully considered but they are not persuasive.

Applicant's argument, see page 15, with respect to "In fact, Caloud teaches away from a direct communication between the personal computer and the cell phone such that "[t]he gateway 128 is thus in a position to filter messages addressed to the terminal 108 and thus avoid undesirable messages.", is not persuasive. The reference to Caloud is directed to "a method for the addressing of a mobile terminal" including address translation between IMSI/MSISDN and IP address (see FIG. 1 Tables 127 and 133, and column 8, lines 33-53). In FIG. 2, the resolution server 119 accepts connection invitations according to the SIP protocol. These invitation are transmitted, after the resolution of the SIP address, at the mobile terminal 108 in the form of a short message. The mobile terminal 108 accepts or rejects the connection request. In the event of acceptance, the mobile terminal 108 makes a request for the allocation of communications means to the gateway 128 (see abstract). As one can see in FIG. 2, after connection is complete, all traffic going from the personal computer 101 to the mobile terminal 108 via the gateway 128 **without going through the resolution server 119**. The communications gateway 128 is used to bridge the Internet network 106, to which the personal computer 101 belongs, and the Cell network 118, to which the cell phone 108 belongs (see FIG. 1). To deliver a medium between two different networks,

a gateway or a router is absolutely necessary. A communication gateway won't be needed if the personal computer 101 and the cell phone 108 belong to the same network.

Applicant's argument, see pages 15-16, with respect to "Accordingly, it is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Caloud. For example, Caloud does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, the system comprising: means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an identification (ID) number of the second MMS user agent; means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent; and means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address"", is not persuasive.

In response to applicant's arguments, the recitation "wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent" has not been given patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). For the second part of the argument, with respect to "wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address", please see explanation above.

Applicant's argument, see page 16, with respect to "In fact Caloud teaches using an intermediary internet gateway for forwarding all communications between the user agents (terminal i01 and terminal 108 via the internet gateway 128 in terms of the example provided by Caloud)", is not persuasive. Please see explanation above.

In view of the foregoing, it is evident that the communications gateway 128 is functionally different from the MMS relay/server in the instant application.

Thus, in view of such, the rejection is sustained as follows:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Caloud (US 6,885,871 B2, hereinafter Caloud).

Regarding claim 1, Caloud teaches a wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, the system comprising:

means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an identification (ID) number of the second MMS user agent [col. 5, lines 39-59, the resolution server 119];

means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent [FIG. 1, the resolution table 127, col. 6, lines 3-20]; and

means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address [col. 3, lines 46-51].

Regarding claim 2, Caloud teaches the system of claim 1, wherein the obtaining means includes:

means for sending the ID number to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104]; and

means for obtaining the Internet address of the second MMS user agent from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20].

Regarding claim 3, Caloud teaches the system of claim 1, wherein the identification number is a mobile station international ISDN number (MSISDN) [col. 3, lines 5-11, the MSISDN is embedded in the SIP symbolic address].

Regarding claim 4, Caloud teaches the system of claim 3, wherein the obtaining means includes:

means for sending the MSISDN to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104],

means for obtaining an international mobile subscriber identity (IMSI) address corresponding to the MSISDN from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20, column 127B corresponds to an IMSI number and/or an MSISDN],

means for sending the obtained IMSI address to the core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], and

means for obtaining the Internet address corresponding to the IMSI from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20].

Regarding claim 5, Caloud teaches the system of claim 4, wherein:

the MSISDN is sent to a home location register (HLR) in the core network [col. 5, lines 39-54, the resolution server 119 is connected to the HLR of the GSM network through SS7/TCAP/MAP, this enables the interface between the SIP-NAT

server and the HLR. Note that the HLR contains mobile information including MSISDN/IMSI is well known in the art.];

the IMSI address is obtained from the HLR [col. 5, lines 39-45, the resolution server 119 is connected to the HLR of the GSM network, and col. 3, lines 32-45, the MSISDN/IMSI information are updated by the SIP-NAT server via interface with the HLR.];

the obtained IMSI is sent to a user database in the core network [col. 3, lines 41-45, updates the resolution table]; and

the Internet address is obtained from the user database [col. 6, lines 3-5, a table could be considered as a preliminary database.].

Regarding claim 6, Caloud teaches the system of claim 1, wherein the wireless network system is implemented in an Internet Protocol (IP) based network [col. 3, lines 32-45, TCP/IP].

Regarding claim 7, Caloud teaches a wireless network system for enabling direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent located in a first multimedia messaging service environment (MMSE) to a second MMS user agent located in a second MMSE, the system comprising:

a first MMS server located in the first MMSE [FIG. 1 and col. 5, lines 39-59, the resolution server 119]; and

a second MMS server located in the second MMSE [The second resolution server for the cell network 118 is inherent. In this case, the first resolution server 119 is located in the first MMSE, e.g., Internet 106];

wherein the first MMS server includes:

means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an identification (ID) number of the second MMS user agent [col. 5, lines 39-59, the resolution server 119], and

means for forwarding the request to the second MMS server [col. 5, lines 55-59, interface circuits 124 for forwarding the request to the second MMS server via the internet network 106];

wherein the second MMS server includes:

means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent [just like the first MMS server, FIG. 1, the resolution table 127, col. 6, lines 3-20.];

means for forwarding the obtained Internet address of the second MMS user agent to the first MMS server [just like the first MMS server, col. 5, lines 55-59, interface circuits 124 for forwarding the obtained Internet address of the second MMS user agent to the first MMS server via the internet network 106];

wherein the first MMS server forwards the obtained Internet address received from the second MMS server to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address [col. 3, lines 46-51].

Claims 8-12 are of the same scope as claims 2-6. They are rejected for the same reasons as for claims 2-6.

Claims 13-18 are of the same scope as claims 1-6. They are rejected for the same reasons as for claims 1-6.

Claims 19-24 are of the same scope as claims 7-12. They are rejected for the same reasons as for claims 7-12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pichna et al. (US 6,904,055 B2), has taught a high data rate peer-to-peer or multi-hop ad hoc connection with the support of a cellular network.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
17APR2008

/Yves Dalencourt/
Primary Examiner, Art Unit 2157